

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

DEBORAH JAGIELLO,  
Plaintiff,

V.

CASE NO.

PETCO ANIMAL SUPPLIES STORES, INC.  
d/b/a PETCO,  
Defendant.

---

**NOTICE OF REMOVAL**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

PLEASE TAKE NOTICE that defendant, Petco Animal Supplies Stores, Inc. ("Petco"), hereby removes to this Court the state action described below.

On July 28, 2022, an action was commenced in the Middlesex Superior Court, entitled *Deborah Jagiello v. Petco Animal Supplies Stores, Inc. d/b/a Petco*, Civil Action No.: 2281CV02908.

Defendant, Petco Animal Supplies Stores, Inc. was served with a Summons on August 3, 2022 pursuant to M.R.C.P., Rule 4, and received a copy of plaintiff's Complaint with Jury Demand, Civil Action Cover Sheet, Civil Tracking Order and initial set of written discovery on same date.

A copy of all process and pleadings served upon defendant, Petco Animal Supplies Stores, Inc. in the state court action is attached hereto as Exhibit "A".

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by the defendant pursuant to the provisions of 28 U.S.C. §1441 in that it is a civil action between citizens of different states, and the matter in controversy is in excess of \$75,000.00, exclusive of interest and costs, based upon the Civil Action Cover Sheet for alleged personal injury sustained by the plaintiff, Carol Larkin.<sup>1</sup> The plaintiff, Carol Larkin alleges that as a

---

<sup>1</sup> Although the Civil Action Cover Sheet itemizes damages in the amount of \$40,000.00, there is reference to the plaintiff's upcoming neck surgery in August which is understood to be a cervical fusion at the C3-C7 levels. The total hospital, surgical, rehabilitation and other attendant expenses to this cervical surgery, reasonable likelihood of plaintiff's claim of a permanent impairment pain, and damages for pain and suffering are sufficient to satisfy the jurisdictional requirement.

result of the occurrence she sustained injuries to her right elbow (with surgery), left elbow, neck (surgery in August), groin muscles, right and left arms with nerve damage.

Petco Animal Supplies Stores, Inc. is informed and believes that the plaintiff, Deborah Jagiello resides in and is a citizen of the City of Everett, Middlesex County, in the Commonwealth of Massachusetts, as pled in the Plaintiff's Complaint. Defendant, Petco Animal Supplies Stores, Inc. was at the time of the filing of this action, and still is, a citizen of: Incorporated in the State of Delaware, having its principal place of business located at 10850 Via Frontera, San Diego, California 92127.

WHEREFORE, defendant, Petco Animal Supplies Stores, Inc. prays that this action be removed to the United States District Court for the District of Massachusetts.

/s/ David A. White  
David A. White, Esq  
BBO No. 551682  
Davis & White, LLC  
869 Turnpike Street  
North Andover, MA 01845  
(978) 688-1433  
dwhite@daviswhite.com

Attorney for Defendant,  
Dick's Sporting Goods, Inc.

Dated: 08/17/2022

**CERTIFICATE OF SERVICE**

I, David A. White, Attorney for Defendant, Dick's Sporting Goods, Inc., certify that on August 17, 2022, I served the within **Notice of Removal**, on Plaintiff, Deborah Jagiello, electronically through the ECF system to the registered participants pursuant to Local Rule 5.2(b) as follows:

Susan F. Fagan, Esq.  
Law Office of Susan F. Fagan  
369 Broadway  
Everett, MA 02149  
[sffagan@msn.com](mailto:sffagan@msn.com)

/s/ David A. White  
David A. White